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6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **EASTERN DISTRICT OF CALIFORNIA**

9 MISTY YORK,

Case No.: 1:22-cv-00458-SKO

10 Plaintiff,

11 vs.

12 KILOLO KAJIKAZI,
13 Acting Commissioner of Social Security,

**STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

14 Defendant

(Doc. 19)

20
21 IT IS HEREBY STIPULATED by and between the parties through their undersigned
22 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
23 EAJA in the amount of TWO THOUSAND AND SIXTY-SEVEN DOLLARS AND FIFTY-
24 SEVEN CENTS (\$2,067.57). This amount represents compensation for all legal services
25 rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in
26 accordance with 28 U.S.C. § 2412.
27
28

STIPULATION AND ORDER FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset. Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: January 23, 2023

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

PHILLIP A. TALBERT
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX

1 Date: January 23, 2023

2 /s/ Katherine Watson
3 (As authorized via email on 01/19/22)
4 KATHERINE WATSON
5 Special Assistant United States Attorney

6 **ORDER**

7 Pursuant to the foregoing stipulation of the parties (Doc. 19),

8 IT IS HEREBY ORDERED that an award of attorney's fees of \$2,067.57 under the Equal
9 Access to Justice Act (EAJA), 28 U.S.C. § 2412, shall be paid by Defendant in full satisfaction
10 and settlement of any and all claims Plaintiff may have for attorney's fees in this matter pursuant
11 to the Equal Access to Justice Act, pursuant to the terms of the stipulation.
12

13 IT IS SO ORDERED.

14 Dated: January 23, 2023

15 /s/ Sheila K. Oberto
16 UNITED STATES MAGISTRATE JUDGE